

REMARKS

The office action of May 21, 2009, has been carefully considered.

It is noted that claims 1 and 12 are objected to for containing various informalities.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 4, 5, 8-15 and 22 are rejected under 35 U.S.C. 103(a) over the patent to Glass.

Claims 2, 3, 16, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) over Glass in view of the patent to Tyszblat.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) over Glass in view of the patent to Kondo.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) over Glass in view of Tyszblat and the patent to Franek.

In view of the Examiner's objections to and rejections of the claims, applicant has amended claims 1, 3, 12, 17, 19 and 20.

In connection with the Examiner's objections to the claims, applicant has amended claims 1 and 12 to correct the informalities pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the objections to claims 1 and 12 are overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner. Relative to the Examiner's comments on page 3 of the Office Action, forming the powder is not part of the invention since the powder can, as discussed on page 19, lines 23-29 of the specification, be purchased as a formed powder containing oxide ceramic. Relative to the infiltration substance, the claim has been amended to recite that the substance is applied to the shaped part. Infiltration occurs in the next step, i.e. "carrying out penetration".

In view of these considerations it is respectfully submitted that the rejection of claims 1-24 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the methods disclosed in the references.

Turning now to the references and particularly to the patent to Glass, it can be seen that this patent discloses an infiltration process for introducing additional phases for multiple materials. Glass does not teach producing a material with a retentive pattern, nor is there any teaching of etching the surface of the part with acid, as in the presently claimed invention. Furthermore, Glass does not deal with a material for use in the dental field. Therefore, a person skilled in the art of materials useable in the dental field would not look to Glass since there is no indication that the material of Glass can fulfill the many requirements of a dental material, such as having a biaxial strength of no less than 800 MPa. In contrast, in example 1 of Glass there is a strength of 723-837 MPa, and in example 2 a strength of only 355-555 MPa. From reading Glass, one

skilled in the art would readily appreciate that the material described therein would not fulfill the requirements of a dental material.

The present invention, via a surprisingly simple process, provides a product with translucence comparable to a material produced by the complex hot isostatic pressing process (HIP). Another advantage of the present invention over the traditional HIP process is that adhesion by etching at the infiltration substance layer is readily possible.

Finally, applicant submits that one skilled in the art of the present invention would not find it obvious to look to the teachings of Glass for any suggestions concerning a dental material.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 4, 5, 8-15 and 22 under 35 U.S.C. 103(a) over the above-discussed reference is overcome and should be withdrawn.

The patent to Tyszblat discloses a completely ceramic dental

prosthesis. Tyszblat does not use ceramic materials as used in the present invention. For example, no oxide ceramics are used, but rather exclusively alumina/magnesia spinel. Such spinels have a completely different molecular structure than the oxide ceramics of the presently claimed invention. For infiltration, only lanthanum glass is used in a liquid state (see col. 3, lines 44-50), which is very far from the room temperature used in the present invention.

The Examiner combined Tyszblat with Glass in determining that claims 2, 3, 16, 17, 20 and 21 would be unpatentable over such a combination. Applicant respectfully submits that one skilled in the art would not combine the teaching of these two references and even if combined they do not teach the invention recited in amended claim 1 now on file.

In view of these considerations it is respectfully submitted that the rejection of claims 2, 3, 16, 17, 20 and 21 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The patents to Kondo and Franek have also been considered. Applicant submits that these references add nothing to the

previously discussed references so as to suggest the presently claimed invention.

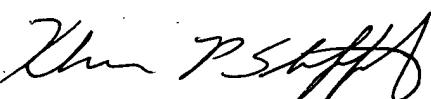
In view of these considerations it is respectfully submitted that the rejections of claims 18, 19, 23 and 24 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 20, 2009.

By:



Klaus P. Stoffel

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